

IN THE UNITED STATES DISTRICT COURT ^{FILED BY} *J* D.C.
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION 05 AUG 18 PM 4: 03

CHARLES WAGNER,

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

Plaintiff,

vs.

DOCKET NO.: 04-2696 BV

**MERIT DISTRIBUTION,
AUSTIN TRUCK & TRAILER REPAIR CENTER,
JAMES AUSTIN, SR., in his individual capacity, and
JAMES AUSTIN, JR., in his individual capacity,**

Defendants.

**ORDER GRANTING DEFENDANTS' MOTION TO
AMEND SCHEDULING ORDER AND ANSWERS**

It appearing to the Court that Defendants James Austin, Sr.'s, Merit Distribution, Inc.'s, James Austin, Jr.'s and Austin Truck & Trailer Repair Center, LLC's Motion to Amend Scheduling Order and Answers is well taken and should be granted in that good cause is shown for the amendment of the Scheduling Order to allow Defendants to move to amend their respective answers and that Defendants motions to amend their respective answers should also be granted,

It is therefore ordered that (1) the motion to amend the Scheduling Order to allow Defendants to move to amend their respective answers to add an affirmative defense is granted; (2) Defendants' motion to amend their respective answers is allowed; (3) Defendants' motion to amend their respective answers to add an affirmative defense as

(17)

*Defendants are directed to file
requested in the motion is granted; and (4) Defendants' respective answers are deemed
with the Clerk an amended answer incorporating the new
to be so amended and filed without the need for any further filing.
defensee within 10 days of entry of this order & to serve
a copy of same on Diane K. Usciano
opposing counsel.*

Judge U. S. Magistrate Judge

Date: August 17, 2005



Notice of Distribution

This notice confirms a copy of the document docketed as number 17 in case 2:04-CV-02696 was distributed by fax, mail, or direct printing on August 19, 2005 to the parties listed.

Roland M. Lowell
BRUCE WEATHERS CORLEY & LYLE
315 Deaderick Street
Ste. 2075
Nashville, TN 37238--207

James E. King
ESKINS KING, PC
50 N. Front St.
Ste. 1170
Memphis, TN 38103

Jonathan E. Kaplan
KIESEWETTER WISE KAPLAN SCHWIMMER & PRATHER
3725 Champion Hills Dr.
Ste. 3000
Memphis, TN 38125

John W. Simmons
KIESEWETTER WISE KAPLAN SCHWIMMER & PRATHER
3725 Champion Hills Dr.
Ste. 3000
Memphis, TN 38125

Charles A. Sevier
ESKINS KING, PC
50 N. Front St.
Ste. 1170
Memphis, TN 38103

Honorable J. Breen
US DISTRICT COURT